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SUMMARY RECORD OF THE 38th MEETING

Chairman: Mr. TEIRLINCK (Belgium)

Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. Mselle

CONTENTS

AGENDA ITEM 117: FINANCING OF THE UNITED NATIONS ANGOLA VERIFICATION MISSION (continued)

AGENDA ITEM 112: SCALE OF ASSESSMENTS FOR THE APPORTIONMENT OF THE EXPENSES OF THE UNITED NATIONS (continued)

AGENDA ITEM 132: ADMINISTRATIVE AND BUDGETARY ASPECTS OF THE FINANCING OF THE UNITED NATIONS PEACE-KEEPING OPERATIONS (continued)

(a) FINANCING OF THE UNITED NATIONS PEACE-KEEPING OPERATIONS (continued)

AGENDA ITEM 107: PROGRAMME BUDGET FOR THE BIENNIUM 1994-1995 (continued)

The contingency fund: consolidated statement of programme budget implications and revised estimates

Draft report of the Fifth Committee

AGENDA ITEM 108: PROGRAMME PLANNING (continued)

AGENDA ITEM 105: REVIEW OF THE EFFICIENCY OF THE ADMINISTRATIVE AND FINANCIAL FUNCTIONING OF THE UNITED NATIONS (continued)

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CONTENTS (continued)

AGENDA ITEM 124: FINANCING OF THE UNITED NATIONS OPERATION IN MOZAMBIQUE (continued)

AGENDA ITEM 128: FINANCING OF THE UNITED NATIONS MISSION IN HAITI (continued)

RIGHTS OF REPLY

COMPLETION OF THE COMMITTEE'S WORK FOR THE FIRST PART OF THE FORTY-NINTH SESSION

The meeting was called to order at 3.45 p.m.

AGENDA ITEM 117: FINANCING OF THE UNITED NATIONS ANGOLA VERIFICATION MISSION (continued) (A/C.5/49/L.11)

1. Draft resolution A/C.5/49/L.11 was adopted without a vote.

AGENDA ITEM 112: SCALE OF ASSESSMENTS FOR THE APPORTIONMENT OF THE EXPENSES OF THE UNITED NATIONS (continued) (A/C.5/49/L.30)

2. Mr. MAYCOCK (Barbados), introducing draft resolution A/C.5/49/L.30, said that in the preamble the General Assembly would reaffirm that the capacity to pay of Member States was the fundamental criterion for determining the scale of assessments and would recognize the obligation of Member States, under Article 17 of the Charter of the United Nations, to bear the expenses of the Organization as apportioned by the General Assembly. In its operative part, the draft resolution would reaffirm the importance of the recommendations of the Committee on Contributions for the General Assembly in deciding the apportionment of expenses and would determine the scale of assessments for the contributions of Member States to the regular budget for the years 1995, 1996 and 1997. The main difference between the scale which had emerged from consultations and the one recommended by the Committee on Contributions was the rates for 1996. In paragraph 3, the General Assembly would authorize Member States for the calendar years 1995, 1996 and 1997 to pay a portion of their contributions in currencies other than United States dollars and would propose the rates on the basis of which the flat annual fees to be charged to non-member States would be calculated. Finally, it would request the Committee on Contributions to respond appropriately to appeals for review from Member States submitted in accordance with rule 160 of the rules of procedure of the General Assembly and to report thereon to the General Assembly at its fiftieth session. He hoped that the draft resolution could be adopted without a vote.

3. Mr. KAWAI (Japan) noted that the percentages for 1996 had not been calculated on the basis of a simple average for 1996 and 1997, as had been recommended by the Committee on Contributions.

4. Draft resolution A/C.5/49/L.30 was adopted without a vote.

5. Mr. KAWAI (Japan) said that Japan had joined in the consensus with some reservations. It would have been better if the Fifth Committee had approved the recommendations of the Committee on Contributions on the scale of assessments for 1995 to 1997. It was important to recognize the role of the Committee on Contributions in decisions on the scale. The Government of Japan would nevertheless respect the decision just taken and would undertake to fulfil its financial obligations. It urged other Member States to do the same, since that was the only way to ensure the stability of the Organization. He supported the calls that had been made for a comprehensive review of the methodology used by the Committee on Contributions for assessing Member States.

6. Mr. DIMOV (Bulgaria) expressed regret that the three-step phase out of the scheme of limits suggested by the Committee on Contributions had been used to set the new scale of assessments. He hoped that the scale methodology and the principle of capacity to pay would be addressed in the near future in order to ensure fairer assessments.

7. Mr. BLUKIS (Latvia), speaking on behalf of the three Baltic States, Estonia, Latvia and Lithuania, said that the Baltic States had joined in the consensus with some reservations and would explain their position in plenary meeting.

8. Mr. KUZNETSOV (Russian Federation) said that the process for achieving consensus, which was an important tool for the success of the Committee's work, had been complex and had required compromise. While he respected the Committee on Contributions as an independent, technical body in its sphere of competence, he noted that, because of the vague nature of the mandate given to it by the General Assembly, it had been unable to adopt a balanced political decision on the scale of assessments, as a result of which the matter had been left to the Fifth Committee.

9. Mr. YAMAK (Turkey) said that Turkey had joined in the consensus despite certain reservations. The decision of the Committee on Contributions concerning the 15-per-cent provision should not create a precedent for the calculation of the scale in the future. He hoped that the Committee on Contributions would reconsider its decision by consulting the relevant international organizations and expert bodies of the United Nations.

10. Mrs. EMERSON (Portugal) welcomed the consensus that had been achieved. Portugal had supported the proposal of the European Union even though it would mean an increase in the assessment of its members.

11. Mr. BEISSEL (Department of Peace-keeping Operations), replying to questions raised at the previous meeting with regard to discrimination against certain personnel of the United Nations Angola Verification Mission (UNAVEM II), said that the Secretariat had conducted an inquiry into the matter in Luanda and determined that there had been no such discrimination. During the period from March through July 1992, the Mission had been expanding its operations in order to supervise a cease-fire and a disarmament programme prior to the elections held at the end of September 1992. During that period, 621 UNAVEM staff members, most of whom were military observers, had been sent to Luanda for subsequent deployment in the field. Owing to the lack of facilities to accommodate them temporarily in Luanda, the Mission administration had decided to request various embassies in the city to provide assistance in housing the incoming personnel. Many countries had responded positively but had imposed certain conditions on the Mission's use of their facilities. One embassy had imposed the condition, which was not unusual, that nationals of the host country should not be allowed to take up residence in its premises. As a result, nationals of Angola had not been accommodated on that embassy's premises. That restriction had applied to only 9 beds out of a total of 621. At the time, it had been felt that the restriction had to be accepted and all the senior members of the Mission, who came from a wide range of countries, including two in West Africa, had been aware of it. Subsequently, the field service staff, who

included personnel from Africa and the Caribbean, had been accommodated on the premises of embassies in Luanda. By July 1992, they had been deployed in the field and the arrangement had been terminated in August 1992. The Secretariat had initiated disciplinary proceedings in respect of the incident and no further information was available since the proceedings were still pending.

AGENDA ITEM 132: ADMINISTRATIVE AND BUDGETARY ASPECTS OF THE FINANCING OF THE UNITED NATIONS PEACE-KEEPING OPERATIONS (continued)

(a) FINANCING OF THE UNITED NATIONS PEACE-KEEPING OPERATIONS (continued)

Draft resolution A/C.5/49/L.31

12. Mr. MADDENS (Belgium), introducing draft resolution A/C.5/49/L.31 on behalf of the Chairman, said that the draft attempted to simplify the procedures for the financing of peace-keeping operations. The authors proposed to delete paragraph 3 of section I. Section II, paragraph 2, outlined procedures for consultations between the Secretary-General and Member States, in particular troop-contributing countries. Section III, which contained provisions for death and disability, dealt with a particularly sensitive issue. In section IV, the General Assembly would decide to consider the question of assessment of an appropriate amount of the costs relating to the start-up and expansion phases of peace-keeping operations during its fiftieth session. In section VI, the General Assembly would decide that, pending the outcome of the investigation and evaluation being carried out by the Office of Internal Oversight Services, the pilot project on the use of international contractual personnel should not be extended beyond UNPROFOR. He hoped that the Committee could adopt the draft resolution without a vote.

13. Draft resolution A/C.5/49/L.31, as orally revised, was adopted without a vote.

14. Mr. GOKHALE (India) said that the draft resolution represented an initial step towards improving the budgetary and administrative aspects of peace-keeping operations. His delegation would have welcomed greater progress, however, particularly in the area of compensation for death and disability, which must be based on the principle of equal treatment of all Member States. It therefore looked forward to further discussions on the matter at the resumed session.

15. Ms. ALMAO (New Zealand), speaking also on behalf of Australia and Canada, said that the three delegations had been pleased to join the consensus on draft resolution A/C.5/49/L.31. The decision to adopt a number of the recommendations of the Secretary-General and the Advisory Committee aimed at improving the budget review and approval process was welcome. However, they were disappointed that the Fifth Committee had been unable to accept the Advisory Committee's recommendation on the assessment of commitments for the start-up and expansion of peace-keeping missions. They hoped that once the modest reforms in the draft resolution had been implemented, the Fifth Committee would be able to revert to the issue with a view to further streamlining the peace-keeping budget review and approval process.

16. Mr. KELLY (Ireland) said that his delegation had also been happy to join the consensus on the draft resolution, and believed that it would greatly benefit the overall planning, budgeting and administration of peace-keeping operations. With regard to the provisions dealing with death and disability compensation, his delegation had requested the Secretary-General to present proposals at the resumed session on possible revisions to the current compensation arrangements, including information on a number of possible alternative options and on the administrative and financial implications of continuing the current system of compensation.

17. Mr. TSUGAWA (Japan) said that the budget for peace-keeping operations had become three times larger than the regular budget, and that reliance on a piecemeal process for budgeting such operations had caused great difficulties for the Secretariat and most Member States. In that context, the comprehensive improvement of the budgetary system as a whole was long overdue. His delegation had actively participated in the quest for consensus on the draft resolution, and looked forward to further improvements in the process of budgeting for peace-keeping operations as a whole, in continued close cooperation with the Secretariat and the other Member States.

18. Mr. ALOM (Bangladesh) said that the Committee had had the gigantic task of reviewing the efficiency of administrative and financial management of the United Nations as a whole. He said he feared that the Committee had not successfully completed that task. Many of his delegation's concerns remained unaddressed, and he hoped that they would receive attention at the resumed session. He called especially for the timely implementation of reforms in the system of compensation, and for the issue of death and disability to be considered again during that session.

19. Mr. MÜNCH (Germany) said that the draft resolution did not meet all the expectations of his delegation, but it was only a first step and a great deal of work remained to be done during the resumed session.

20. Mr. AHMED (Pakistan) said that his delegation looked forward to renewed consideration of various aspects of the draft resolution at the resumed session, and hoped that the requested reports would provide significant inputs for the policy-making decisions on that issue.

21. Draft resolution A/C.5/49/L.31 was adopted.

AGENDA ITEM 107: PROGRAMME BUDGET FOR THE BIENNIUM 1994-1995 (continued)

The contingency fund: consolidated statement of programme budget implications and revised estimates (A/C.5/49/55)

22. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that the report of the Secretary-General (A/C.5/49/55) contained a consolidated statement of programme budget implications and revised estimates chargeable to the contingency fund. The programme budget implications amounted to $14,681,300, as detailed in the annex to the report. The Secretary-General also indicated that the balance remaining in the contingency fund was $16,044,100. Therefore, the total amount of programme budget implications could

be met from the resources available in the fund, leaving a balance of $1,362,800. On that basis, no activities would have to be eliminated, curtailed or deferred in order to meet the requirements identified by the Secretary-General in his report.

23. He wished to point out, however, that it would be possible to cover the programme budget implications from the balance in the contingency fund because of recommendations made by the Advisory Committee, in particular those related to the Integrated Management Information Service, in respect of which the Advisory Committee had recommended that an amount of $1 million be committed but be disbursed in 1996.

24. It did appear, therefore, that there was a need to review the level and the nature of activities charged to the contingency fund on the basis of experience in the use of the fund since its inception. That was why the Advisory Committee, in its report on the proposed programme budget outline, recommended that information be provided to the Advisory Committee in the context of the programme budget for 1996-1997 to enable the Advisory Committee to review the criteria and the level of the contingency fund. That recommendation was reflected in paragraph 7 of draft resolution A/C.5/49/L.28. Accordingly, the Advisory Committee recommended acceptance of the Secretary-General's proposal in document A/C.5/49/55, and recommended that the General Assembly should take note that the balance remaining in the contingency fund was $1,362,800.

25. The CHAIRMAN proposed that the Fifth Committee should recommend to the General Assembly that it appropriate the required amounts as contained in the report of the Secretary-General, and note that the balance of $1,362,800 would remain in the contingency fund.

26. It was so decided.

Draft report of the Fifth Committee (A/C.5/49/L.32)

27. Mr. DJACTA (Algeria), Rapporteur, introduced the draft report contained in document A/C.5/49/L.32, drawing the attention of the Committee to a correction in the text of draft resolution I, part IV, "Revised estimates under sections 3A, 3B, 3C, 4, 8, 15 and 28 and income section 1", where a third operative paragraph had been added, reading "Decides also to consider the other proposals of the Secretary-General at the resumed forty-ninth session on the basis of the ACABQ report referred to in paragraph 4 of its report A/49/7/Add.4".

28. The CHAIRMAN invited the Committee to take action on draft resolution I, entitled "Other questions relating to the programme budget for the biennium 1994-1995", and draft resolution II, entitled "Programme budget for the biennium 1994-1995".

29. Draft resolutions I and II were adopted.

30. The draft report, as orally revised was adopted.

AGENDA ITEM 108: PROGRAMME PLANNING (continued)

31. Ms. PEÑA (Mexico), Vice-Chairman, expressed her regret that the consultations on programme planning had not been completed, so that she was unable to present a text that could be adopted without a vote. She therefore proposed that consideration of the question should be continued at the resumed session.

32. Mr. SOEGARDA (Indonesia), speaking on behalf of the Movement of Non-Aligned Countries, expressed disappointment with the manner in which the Fifth Committee had dealt with the proposed revisions to the medium-term plan. During the review of the revisions in the Committee for Programme and Coordination (CPC), there had been agreement that programme 35 was to be considered separately. His delegation regretted that despite the deliberations in that Committee and in the informal consultations held so far, agreement to endorse the proposed revision had not been achieved. Programme 35 was seriously flawed and was thus not acceptable in its present form.

33. He proposed that the Fifth Committee should request the Secretariat to revise the proposed revision of the medium-term plan to reflect the views expressed by the Movement of Non-Aligned Countries as contained in the letter dated 9 November 1994 from the Chairman of the Third Committee to the Chairman of the Fifth Committee, and should revert to the matter at the resumed session. He also called on the Secretariat to abide by regulations governing programme planning contained in the annex to resolution 37/234 in preparing the proposed programme budget for the biennium 1996-1997.

34. Mrs. GOICOCHEA (Cuba) endorsed the views put forward by the representative of Indonesia on behalf of the Movement of Non-Aligned Countries and inquired about the procedure to be followed by the Secretariat in preparing the programme budget for 1996-1997. Her delegation believed that regulations 3.4, 4.1 and, especially, 4.2 of the regulations governing programme planning bore directly on that exercise. Regulation 4.2, for example, stated that programme proposals that were not derived from the plan strategies should be submitted only as a result of legislation passed subsequent to the adoption of a plan or its last revision. As there had been no new revision in the present case, her delegation wished to draw attention to resolution 41/213, which clearly stipulated that the planning, programming and budgeting process was to be governed by, inter alia, full respect for the prerogatives of the principal organs of the United Nations in regard to that process.

35. Mr. MÜNCH (Germany), speaking on behalf of the European Union and Austria, expressed regret that it had not been possible to adopt the revisions to the medium-term plan, including the revised programme 35 on the promotion and protection of human rights. As had been indicated in CPC and in the Fifth Committee, the proposed revisions to programme 35 reflected decisions taken by the World Conference on Human Rights and the mandates contained in the Vienna Programme of Action. The medium-term plan should not establish mandates but rather should reflect those which had been established by intergovernmental forums.

36. Mr. ALOM (Bangladesh) noted that, according to the statement made by the Chairman of CPC on 4 November, some of the proposed revisions to the medium-term plan had not yet been reviewed by the Advisory Committee. It was therefore surprising that the Secretariat had processed them for the consideration of the Fifth Committee. Accordingly, his delegation had reservations about taking a decision at the current stage. It fully agreed with the views expressed by the Indonesian representative on behalf of the Movement of Non-Aligned Countries.

37. Mr. CHU Guangyou (China) expressed regret that the inflexibility of certain delegations had caused the failure of the informal consultations. His delegation supported the statements made by the representatives of Indonesia on behalf of Movement of Non-Aligned Countries, Cuba and Bangladesh. The revisions to programme 35 were not consistent with the Vienna Declaration and Programme of Action. For that reason, most countries were requesting the Secretariat to modify the proposed revisions on the basis of the views expressed by Member States during the current session of the General Assembly. A new text provided by the Secretariat should form the basis for future discussion during the resumed forty-ninth session. He hoped that the Secretariat would give serious consideration to the question and that those countries which did not agree with his delegation would at least take its views into consideration.

38. Apparently, some delegations believed that the programme budget could be drawn up on the basis of the proposed revisions even before they had been approved by the General Assembly. In future, the existing mandates and programmes of the medium-term plan for the period 1992-1997, should form the basis for the programme budget. In conclusion, his delegation hoped that the Secretariat would make the necessary preparations for the deliberations on that sensitive question during the resumed forty-ninth session.

39. Mr. HAMMARSKJÖLD (Sweden), speaking on behalf of the Nordic countries - Denmark, Finland, Iceland, Norway and Sweden - expressed regret that lengthy consultations had failed to produce a draft resolution. The fact that the General Assembly had not endorsed the revisions to the programmes in the medium-term plan must not hinder the preparation of the budget for the biennium 1996-1997. The Secretariat should prepare the budget within the prescribed time-frames and on the basis of the mandates and priorities indicated in the proposed programme budget outline for the next biennium.

40. The Nordic countries regretted, in particular, that no consensus had been achieved on the proposed revision to programme 35 on human rights, which was of crucial importance and must be accorded priority. In the absence of a draft resolution, the Committee should have expressed a view on the proposed new format of the medium-term plan. Unfortunately, it had not done so. The Nordic countries urged the Secretary-General to develop his proposal for the new format in order to make the medium-term plan a vital policy document and a basis for streamlining the Organization.

41. Mr. SHARP (Australia), speaking also on behalf of Canada and New Zealand, expressed regret that no consensus had been reached. Like the Chinese delegation, Canada, New Zealand and Australia looked forward to considering the item during the resumed session and were prepared to cooperate fully in the deliberations. Canada, New Zealand and Australia also agreed with the

statements delivered by the Swedish representative on behalf of the Nordic countries and by the representative of Germany on behalf of the European Union and Austria. Canada, New Zealand and Australia had stated their position during the formal debate under that agenda item and in informal consultations. Their views on programme 35 had been set forth in a letter addressed to the Chairman of the Third Committee.

42. Mr. CHUINKAM (Cameroon) agreed with the statement made by the representative of Indonesia on behalf of the Movement of Non-Aligned Countries and said that his delegation, too, regretted the unsuccessful outcome of the informal consultations on the draft resolution.

43. Mr. MAZEMO (Zimbabwe) said that his delegation was also disappointed that no consensus had been achieved. It was unfortunate that the Secretariat would have to begin preparing the programme budget for the biennium 1996-1997 without the guidelines it normally received from the General Assembly. It would be interesting to know the basis on which the Secretariat would proceed in view of the Committee's failure to provide the necessary guidance.

44. Mr. MOHAMMAD (Islamic Republic of Iran) said that his delegation fully supported the statement delivered by the Indonesian representative on behalf of the Movement of Non-Aligned Countries. During the general debate under agenda item 108, his delegation and a number of others had stressed that the proposed revisions to programme 35 were unacceptable because they departed significantly from the spirit of the Vienna Declaration and Programme of Action. Accordingly, the Centre for Human Rights should be requested to prepare another document for consideration by CPC and, subsequently by the General Assembly.

45. In his delegation's view, with the exception of programmes 35 and 21, the General Assembly could approve the proposed revisions to the medium-term plan, which had been endorsed by CPC. As the Indonesian representative had indicated, in preparing the programme budget for the biennium 1996-1997, the Secretariat should comply with the relevant regulations, in particular regulations 3.4, 4.1 and 4.2.

46. Mr. RAMIREZ (Colombia) agreed with the Chinese representative regarding the reasons why the informal consultations had been unsuccessful. His delegation supported the statement by the Indonesian representative on behalf of the Movement of Non-Aligned Countries. Programme 35 should be made consistent with the Vienna Declaration and Programme of Action.

47. The CHAIRMAN proposed that the Committee should defer consideration of agenda item 108 entitled "Programme planning" to the resumed forty-ninth session.

48. It was so decided.

49. Mr. HALBWACHS (Director of the Programme Planning and Budget Division), replying to the representatives of Cuba and Zimbabwe, confirmed that preparation of the programme budget for the biennium 1996-1997 would begin in early January. The budget would be prepared on the basis of the medium-term plan as approved by the General Assembly and would take into account the resolutions subsequently